

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAKIL N. BLAIR,
Plaintiff

v.

OFFICER CARL, et al.,
Defendants

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No. 1:24-cv-00211

(Judge Kane)

ORDER

AND NOW, on this 15th day of August, 2024, upon consideration of pro se Plaintiff Dakil N. Blair (“Blair”)’s complaint (Doc. No. 1), application for leave to proceed in forma pauperis (“IFP Application”) (Doc. No. 4), motion to appoint counsel (Doc. No. 5), and certified prisoner trust fund account statement (Doc. No. 8), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. The IFP Application (Doc. No. 4) is **GRANTED**;
2. Blair shall pay the full filing fee of \$350.00 based on the financial information provided in the IFP Application. The full filing fee shall be paid regardless of the outcome of this litigation;
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden or other appropriate official at Blair’s place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - a. The average monthly deposits in Blair’s prison account for the past six (6) months; or
 - b. The average monthly balance in Blair’s prison account for the past six (6) months;
4. The initial partial filing fee deducted pursuant to paragraph 3 of this Order shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Blair’s inmate trust fund account exceeds \$10.00, the Superintendent/Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month’s income credited to Blair’s

inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number;

5. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent/Warden of the institution wherein Blair is presently confined;
6. The complaint (Doc. No. 1) is **DEEMED FILED**;
7. The complaint (Doc. No. 1) is **DISMISSED** as follows:
 - a. Blair's claims under 42 U.S.C. § 1983 against Defendants are **DISMISSED WITH PREJUDICE**; and
 - b. Blair's state-law claims against Defendants are **DISMISSED WITHOUT PREJUDICE**;
8. Blair's motion to appoint counsel (Doc. No. 5) is **DENIED**; and
9. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania